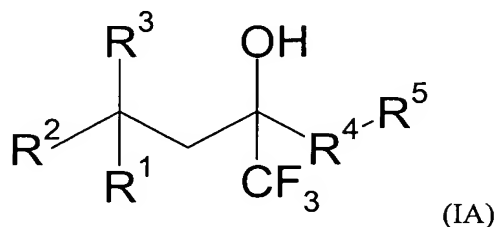


Remarks

Claims 1 to 28 were pending.

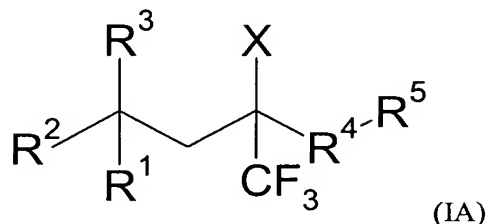
The Examiner rejected claims 1 to 8 for allegedly nonstatutory double patenting over Betageri *et al.*, U.S. Patent No. 6,903,215.

In response, applicants respectfully traverse the rejection. Claim 1, the broadest claim, in Betageri *et al.*, U.S. Patent No. 6,903,215, is drawn to a compound of Formula (IA)



wherein R⁵ is an azaindolyl group, which is optionally independently substituted with one to three substituent groups as specified.

In contrast, instant claim 1 is directed to a compound of the following Formula (IA)



wherein R⁵ is limited to a pyrrolidine, morpholine, thiomorpholine, piperazine, piperidine, 1*H*-pyridin-4-one, 1*H*-pyridin-2-one, 1*H*-pyridin-4-ylideneamine, 1*H*-quinolin-4-ylideneamine, pyran, tetrahydropyran, 1,4-diazepane, 2,5-diazabicyclo[2.2.1]heptane, 2,3,4,5-tetrahydrobenzo[*b*][1,4]diazepine, dihydroquinoline, tetrahydroquinoline, 5,6,7,8-tetrahydro-1*H*-quinolin-4-one, tetrahydroisoquinoline, decahydroisoquinoline, 2,3-dihydro-1*H*-isoindole, 2,3-dihydro-1*H*-indole, chroman, 1,2,3,4-tetrahydroquinoxaline, 1,2-dihydroindazol-3-one, 3,4-dihydro-2*H*-benzo[1,4]oxazine, 4*H*-benzo[1,4]thiazine, 3,4-dihydro-2*H*-benzo[1,4]thiazine, 1,2-dihydrobenzo[*d*][1,3]oxazin-4-one, 3,4-dihydrobenzo[1,4]oxazin-4-one, 3*H*-quinazolin-4-one, 3,4-dihydro-1*H*-quinoxalin-2-one, 1*H*-cinnolin-4-one, 1*H*-quinazolin-4-one, 1*H*-[1,5]naphthyridin-4-one, 5,6,7,8-tetrahydro-1*H*-[1,5]naphthyridin-4-one, 2,3-dihydro-1*H*-[1,5]naphthyridin-4-one, 1,2-dihydropyrido[3,2-*d*][1,3]oxazin-4-one, pyrrolo[3,4-*c*]pyridine-1,3-dione, 1,2-dihydropyrrolo[3,4-*c*]pyridin-3-

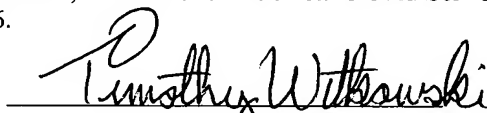
one, or tetrahydro[b][1,4]diazepinone group, each optionally independently substituted with one to three substituent groups as specified. Applicants maintain that instant claim 1 has a different and nonobvious scope over Betageri *et al.*, U.S. Patent No. 6,903,215, and the Examiner has not explained specifically where in the instant claims there is evidence of obviousness over Betageri *et al.*, U.S. Patent No. 6,903,215. Accordingly, applicants respectfully request that the Examiner reconsider and withdraw this rejection.

The Examiner also provisionally rejected claims 1 to 8 over as allegedly nonstatutory double patenting over claims 1 to 54 over copending U.S.S.N. 10/947,420 and claims 1 to 39 over copending U.S.S.N. 11/072819.

In response, applicants include terminal disclaimers over each of U.S.S.N. 10/947,420 and U.S.S.N. 11/072819. Accordingly, applicants respectfully request that the Examiner withdraw this rejection.

Applicants respectfully submit that all the pending claims are allowable and therefore solicit a Notice of Allowance for all of the pending claims. If the Examiner feels that a telephone interview would be helpful in advancing prosecution of this application, the Examiner is invited to contact the attorney below.

Certificate of Mailing Under 37 C.F.R. § 1.8(a)
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 3, 2006.



Timothy X. Witkowski
Registration No. 40,232

11-3-2006

Dated

Respectfully submitted,



Timothy X. Witkowski
Registration No. 40,232
Attorney for Applicants

BOEHRINGER INGELHEIM CORPORATION
Patent Department
900 Ridgebury Road
P.O. Box 368
Ridgefield, CT 06877
Telephone: (203) 798-4310
Facsimile: (203) 798-4408